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Attorneys for Plaintiff,  
Bragel International, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRAGEL INTERNATIONAL, INC., a  
California corporation,

Plaintiff,

vs.

STYLES FOR LESS, INC., a  
California corporation, PPI APPAREL  
GROUP, INC., a New York  
corporation, and GINA GROUP LLC,  
a New York limited liability company,

Defendants.

Case No. 8:15-cv-01756-R-FFM

Hon. Manuel L. Real

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

For its complaint against Defendants Styles for Less, Inc. (“Styles for Less”), PPI Apparel Group, Inc. (“PPI”), and Gina Group LLC (“Gina Group”) (collectively, “Defendants”), Plaintiff Bragel International, Inc. (“Plaintiff”) alleges as follows:

**JURISDICTION**

1. This is an action for patent infringement pursuant to 35 U.S.C. Section 271. This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper under 28 U.S.C. Sections 1391(b)(2) and/or (b)(3).

**PARTIES**

3. Plaintiff is a corporation organized and existing under the laws of the State of California, having a principal place of business at 3833 Pomona Blvd, Pomona, California.

4. Plaintiff is informed and believes, and thereon alleges that Defendant Styles for Less is a corporation organized and existing under the laws of the State of California, having a principal place of business at 1205 North Miller Street, #120, Anaheim, California.

5. Plaintiff is informed and believes, and thereon alleges that Defendant PPI is a corporation organized and existing under the laws of the State of New York, having a principal place of business at 320 5th Ave., Floor 2, New York, New York.

6. Plaintiff is informed and believes, and thereon alleges that Defendant Gina Group is a limited liability company organized and existing under the laws of the state of New York, having a principal place of business at 10 W. 33rd St., 3rd Floor, New York, New York.

7. This court has personal jurisdiction over Defendant Styles for Less because Defendant Styles for Less is incorporated in the state of California.

8. This court has personal jurisdiction over Defendants PPI and Gina Group because Defendants PPI and Gina Group have conducted systematic and continuous business within California through Defendant Styles for Less and within this district and have directed their unlawful business activities towards California and this district. In addition, this court has personal jurisdiction over Defendants PPI and Gina Group because Defendants PPI and Gina Group have sold products which Defendants PPI and Gina Group knew would be sold within California and within this district and that such activities would damage a California company.

1 **FACTUAL BACKGROUND**

2 9. Plaintiff has been engaged and is presently engaged in the design and  
3 distribution of strapless bras and attachable breast forms. Plaintiff's products are  
4 sold throughout the United States and in many foreign countries including the  
5 People's Republic of China, Hong Kong, Europe, and Canada.

6 10. On February 7, 2005, Plaintiff filed a U.S. patent application directed  
7 to its attachable breast form enhancement system. It issued as U.S. Patent  
8 7,144,296 B2 (the "'296 Patent") on December 5, 2006 and is titled "Attachable  
9 Breast Form Enhancement System." A copy of the '296 Patent is attached as  
10 Exhibit A.

11 11. Defendants Styles for Less and PPI have sold and offered for sale in  
12 this District and elsewhere, and continue to sell and offer for sale in this District  
13 and elsewhere, without the consent or authorization of Plaintiff, "Oh Baby . . .  
14 Strapless, Backless, Self-Adhesive Silicone Bra" and "Silicone Fashion Bra"  
15 products that are covered by at least claims 1, 2, and 5 of the '296 Patent (the  
16 "PPI Infringing Products"). A claim chart corresponding to the '296 Patent and  
17 the "Oh Baby . . . Strapless, Backless, Self-Adhesive Silicone Bra" is attached as  
18 Exhibit B. A claim chart corresponding to the '296 Patent and the "Silicone  
19 Fashion Bra" is attached as Exhibit C.

20 12. Defendants Styles for Less and Gina Group have sold and offered for  
21 sale in this District and elsewhere, and continue to sell and offer for sale in this  
22 District and elsewhere, without the consent or authorization of Plaintiff, "Body  
23 Frosting™ Silicone Bra" products that are covered by at least claims 1, 2, and 5 of  
24 the '296 Patent (the "Body Frosting Infringing Products") (collectively, with the  
25 PPI Infringing Products, the "Infringing Products"). A claim chart corresponding  
26 to the '296 Patent and the "Body Frosting™ Silicone Bra" is attached as Exhibit  
27 D.  
28

**(Patent Infringement)**

14. Plaintiff realleges paragraphs 1 through 13 as though fully set forth herein.

15. Defendants, by themselves or in concert with others, have made, used, sold or offered to sell, and continue to make, use, sell or offer to sell, in this District and elsewhere in the United States, the Infringing Products which infringe the '296 Patent. The Infringing Products have no substantial, noninfringing use.

16. The alleged infringing acts of Defendants are without right, license, or authorization from Plaintiff.

17. By their aforesaid acts, Defendants have infringed the '296 Patent entitling Plaintiff to relief pursuant to 35 U.S.C. Section 271.

18. Upon information and belief, Defendants have had actual or constructive notice of the existence of the '296 Patent and despite such notice have continued to engage in acts of infringement.

19. As a direct result of Defendants' acts complained of herein, Plaintiff has been actually damaged and irreparably harmed and Defendants have been unjustly enriched, to an extent not presently ascertained, which damage, harm and enrichment will continue until enjoined by order of this Court.

20. Defendants' infringement is and has been willful and Plaintiff is entitled to enhanced damages against Defendants.

21. This is an exceptional case and Plaintiff is entitled to an award of its attorneys' fees.

### **PRAYER**

Plaintiff demands judgment against Defendants as follows:

1. Adjudging and decreeing that Defendants have committed acts of patent infringement by their manufacture, use, sale, and offer for sale of the infringing products;

2. For a temporary and permanent injunction prohibiting Defendants and their officers, agents, servants, employees and attorneys, and other persons in active concert or participation with them, from further infringing the '296 Patent and requiring Defendants to deliver up to Plaintiff for destruction any and all Infringing Products in any Defendant's possession, custody or control, along with any items of manufacture, the sole purpose of which is to manufacture such Infringing Products, as well as any promotional literature and packaging which displays or promotes such Infringing Products;

3. For patent infringement damages in an amount not less than a reasonable royalty, and for those damages to be trebled, pursuant to 35 U.S.C. Section 284 and/or lost profits;

4. For prejudgment interest;

5. For all of Plaintiff's costs of this Action, including attorneys' fees;

and

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1           6.     For such other or further relief as the Court may deem just and  
2 proper.

3  
4 DATED: March 2, 2016

Respectfully submitted,  
LEWIS ROCA ROTHGERBER  
CHRISTIE LLP

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7  
8 By /s/ Thomas J. Daly  
Thomas J. Daly

9 Attorneys for Plaintiff,  
10 Bragel International, Inc.

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**Lewis Roca**  
ROTHGERBER CHRISTIE

**DEMAND FOR JURY TRIAL**

Plaintiff Bragel International, Inc., pursuant to Federal Rule of Civil Procedure 38, hereby demands a trial by jury of all issues so triable.

DATED: March 2, 2016

Respectfully submitted,

LEWIS ROCA ROTHGERBER  
CHRISTIE LLP

By /s/ Thomas J. Daly  
Thomas J. Daly

Attorneys for Plaintiff,  
Bragel International, Inc.

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